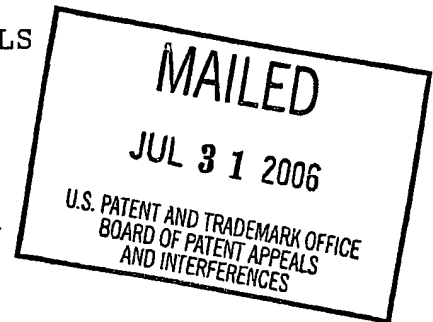


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ARIE VAN ZON,
ROBERT MOENE, PHILLIP E. UNGER,
PETER ARNOLDY AND
ERIC J. M. DE BOER



Application No. 10/668,933

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

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A review of the file indicates that the Appeal Brief mailed on March 17, 2006, is missing the required heading "Evidence appendix", as set forth in 37 CFR § 41.37(c)(1)(ix). A substitute brief that is in compliance with 37 CFR § 41.37(c) is required.

Secondly, on October 14, 2005 an Information Disclosure Statement (IDS) was filed. It is no apparent from the record that the examiner has considered the statement submitted nor notified applicants of why the submission did not meet the criteria set forth in 37 CFR § 1.197 and § 1.98.

Accordingly it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief of March 17, 2006, defective;
- 2) for the applicants to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the substitute brief, and, if necessary, vacate the Examiner's Answer mailed April 3, 2006, and issue a new Examiner's Answer;

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- 3) consider the IDS mailed October 14, 2005; and
- 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

Dale M. Shaw

Deputy Chief Appeals Administrator
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